

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL P. GILBERT,)	
)	
PLAINTIFF,)	
)	Civil Action No. 18-cv-05170
v.)	
)	
ARMOR SYSTEMS CORPORATION,)	Hon. Judge Robert W. Gettleman
)	
DEFENDANT.)	

**DEFENDANT’S STATEMENT OF MATERIAL FACTS IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Defendant, Armor Systems Corporation (“Armor”) by and through its undersigned counsel, and pursuant to Local Rule 56.1 hereby submits the following statement of material facts as to which Defendant contends there is no genuine issue and that entitle Defendant to a judgment as a matter of law:

1. Plaintiff, Michael P. Gilbert, is a natural person residing in Illinois. *See*, D.E. 1 ¶4 and accompanying exhibit; D.E. 2 ¶4.
2. Defendant, Armor Systems Corporation, is an Illinois corporation. *See*, D.E. 1 ¶5; D.E. 12 ¶5.
3. On or about May 13, 2013, Defendant’s client Village of Round Lake Park Police Department (“Village of Round Lake”) placed an unpaid parking ticket belonging to Plaintiff with Defendant for collection purposes. *See*, Affidavit of Tiffany LaCasse at ¶4, attached hereto as Exhibit 1.
4. On or about September 19, 2013, Defendant’s client College of Lake County placed a delinquent account belonging to Plaintiff with Defendant for collection purposes. *Id.* at ¶5.

5. On or about July 3, 2018, Plaintiff called Defendant requesting information regarding the College of Lake County account that he noticed on his credit report. *Id.* at ¶6; *see also* Exhibit B to Ex. 1.
6. Both the College of Lake County and the Village of Round Lake accounts were discussed with Plaintiff on this phone call. Ex. 1 at ¶7.
7. On this call, Plaintiff requested a balance letter so that he could start making payments. *Id.* at ¶8.
8. On or about July 5, 2018, Defendant sent a single collection letter (hereinafter the “Letter”) to Plaintiff requesting payment on the two accounts placed with Defendant for collection. *See*, Exhibit A and Ex. B to Ex. 1; *see also* D.E. 1 at ¶10.
9. This letter was not the initial validation notice sent on the accounts. Ex. 1 at ¶10.
10. It is Armor’s policy to issue an initial validation letter when an account is placed with it for collection. *Id.* ¶11.
11. Armor sends separate initial validation notices for each account. *Id.* at ¶12.
12. Only secondary collection notices combine accounts into one notice. *Id.* at ¶13.
13. The Letter stated in relevant part:

Creditor:	COLLEGE OF LAKE COUNTY
Creditor Account #:	1005698
You Owe:	\$499.00

Creditor Name(s)	Amount
VILLAGE OF ROUND LAKE PARK POLICE DEPT	250.00
COLLEGE OF LAKE COUNTY	249.00
Total Balance Owing	\$499.00

See, Ex. A to Ex. 1; D.E. 1 ¶¶13-16, 18.

14. The letter also included a removable coupon to be included by Plaintiff with any payment. The removable coupon listed “Current Amount Due \$499.00” and a “Account Number 01-002788113.” *See*, Ex. A to Ex. 1; *see also* D.E. 1 at ¶¶11-12.
15. On or about July 24, 2018, Plaintiff called Defendant and stated that he did not want to pay on the College of Lake County account yet. Ex. 1 at ¶14; *see also* Ex. B to Ex. 1.
16. On July 30, 2018, Plaintiff filed this lawsuit. *See*, D.E. 1.
17. The only damages claimed to have been suffered by Plaintiff as a result of the alleged violations pled in the Complaint is cost and expenses incurred consulting with and retaining his attorneys as a result of Defendant’s conduct. *See*, D.E. 1 at ¶21.
18. Plaintiff failed to produce any documentation to support he suffered actual damages in connection to receiving the Letter. *See*, Plaintiff’s Response to Request to Produce Nos. 10, 13, and 26, attached hereto as Exhibit 2; Plaintiff’s Responses to Interrogatories No. 11, attached hereto as Ex. 2.
19. Plaintiff did not conduct any consumer surveys in connection with this lawsuit, nor did he produce any evidence beyond the Letter to establish that an unsophisticated consumer would find the Letter confusing. *See*, Ex. 2.

DATED: April 4, 2019

Respectfully submitted,

ARMOR SYSTEMS CORPORATION

/s/ Stephanie A. Strickler
Stephanie A. Strickler
Messer Strickler, Ltd.
225 W. Washington Street, Suite 575
Chicago, IL 60606
(312) 334-3469
(312) 334-3473 (FAX)
sstrickler@messerstrickler.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2019, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which will send notification of such filing to the attorneys of record.

/s/ Stephanie A. Strickler
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Messer Strickler, Ltd.
225 W. Washington Street, Suite 575
Chicago, IL 60606
(312) 334-3469
(312) 334-3473 (FAX)
sstrickler@messerstrickler.com
Attorneys for Defendant